

ROBERT PAIGE-EL,)
Plaintiff,)
)
v.)
)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)

This cause comes before the Court on plaintiff's motion to be heard [DE 12] and following the Court's order directing plaintiff to demonstrate that proper service has been effected on defendant.

In his motion to be heard, plaintiff submits that he served the defendant on 9 August 2022. As proof of service, plaintiff has attached a receipt from the United States Postal Service indicating that a package was mailed via First-Class Mail on 9 August 2022 at 1:05 p.m. [DE 12-1]. This is insufficient to demonstrate that proper service has been effected in accordance with Rule 4 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 4(c), 4(i); 4(l); 4(m).¹

Accordingly, as plaintiff has been provided an opportunity to show that defendant has been properly served and has failed to do so, the complaint in this action is hereby DISMISSED WITHOUT PREJUDICE pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

¹ Because this action was not brought pursuant to 42 U.S.C. § 405(g), the supplemental rules for service do not apply. *See* Fed. R. Civ. P. SUPP SS 1, 3.

The motion to be heard [DE 12] is DENIED. The clerk is DIRECTED to terminate as pending the motion to heard at [DE 13] that was not signed by plaintiff.

The clerk is further DIRECTED to close the case.

SO ORDERED, this 4 day of April 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE